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# OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

*Edited by*

**FRANCIS HEMMING, C.M.G., C.B.E.**

**Secretary to the Commission**

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## **OPINION 187**

On the type of the genus *Hypselopus* Burmeister, 1835 (Class Insecta, Order Hemiptera)

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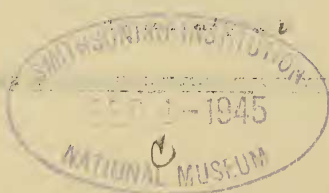
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41, Queen's Gate, London, S.W. 7.

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## OPINION 187.

### ON THE TYPE OF THE GENUS *HYPSELOPUS* BURMEISTER, 1835 (CLASS INSECTA, ORDER HEMIPTERA).

**SUMMARY.**—*Hypselopus gigas* Burmeister, 1835, is hereby designated as the type of *Hypselopus* Burmeister, 1835 (Class Insecta, Order Hemiptera) and the generic name *Hypselopus* Burmeister, so defined, is hereby added to the *Official List of Generic Names in Zoology* as Name No. 620.

#### I.—THE STATEMENT OF THE CASE.

This case was submitted to the International Commission on Zoological Nomenclature by Dr. H. C. Blöte of the Rijksmuseum van Natuurlijke Historie, Leiden, in the following statement received under cover of a letter dated 25th February 1935:—

In 1835 was described a genus *Hypselopus* by Burmeister in his *Handbuch der Entomologie* 2<sup>er</sup> Bd., 1<sup>e</sup> Abt. pag. 328, including two species: *H. gigas* n. sp. and *H. spinosus* "Kl." (in manuskr.).<sup>1</sup>

In 1843 was described the genus *Meloza* by Amyot & Serville in their *Histoire Naturelle des Insectes Hémiptères*, pag. 221, including their species *M. villosipes*. The description of the genus, however, makes it possible to include *H. gigas* Burm., but not *H. spinosus* Burm.

In 1865 was described the genus *Nariscus* by Stål in his *Hemiptera Africana* 2 pag. 8 & 100, including *Hypselopus cinctiventris* Germ. In this genus *H. spinosus* Burm. can be included, *H. gigas* Burm. not.

In 1873 Stål restricts *H. gigas* Burm. to *Hypselopus*, brings *H. spinosus* Burm. to his genus *Nariscus*, and considers *Meloza* a subgenus of *Hypselopus* (*Enumeratio Hemipterorum* 3 pag. 95-96).

In 1913 Bergroth (*Supplementum Catalogi Heteropterorum Bruxellensis* 2) (*Mémoires de la Société entomologique de Belgique* 22) restricts *Hypselopus* to *H. spinosus* Burm., considers *Nariscus* Stål synonymous with *Hypselopus* and uses the name *Meloza* Amyot & Serville for *gigas* Burm., *villosipes* Amyot & Serville and a number of other species hitherto assigned to *Hypselopus*.

#### II.—THE SUBSEQUENT HISTORY OF THE CASE.

2. The foregoing statement was circulated for consideration to the members of the International Commission in July 1935. At

<sup>1</sup> Volume 2 of Burmeister's *Handbuch der Entomologie* is continuously paged throughout. It is therefore misleading to insert such an expression as "1 Abt." after the volume number. If in a given case there is some special reason which makes it desirable that the Part Number should be indicated, that number should be placed within round brackets and cited immediately after the volume number. Both the volume number and the number of the Part should be cited in Arabic numerals.

the same time Dr. Stiles suggested that this case should be considered by the Commission at their meeting due to be held at Lisbon in September of that year.

3. In July 1935 the following comment on this case was received from Commissioner Rudolf Richter :—

Über die nomenklatorisch richtige Anwendung des Namens *Hypselopus* Burmeister, 1835, entscheidet lediglich sein Genotyp. Ist ein Genotyp von *Hypselopus* noch nicht bestimmt, so wäre ein solcher unter den beiden Arten, *gigas* und *spinosus* auszuwählen. Nach Art. 30(III)(k) wäre der Art *gigas* als Genotyp von *Hypselopus* Burmeister, 1835, der Vorzug zu geben.

4. It was not found possible for the Commission to deal with this case at their Session held at Lisbon in September 1935 and it was accordingly arranged that a decision on this case should be taken by a postal vote.

5. In June 1936, Dr. Stiles, as Acting Secretary to the Commission, notified the Commission that he had examined at Washington the literature involved in this case and recommended that " unless arguments not thus far presented to the Commission indicate some other action " *Hypselopus gigas* Burmeister, 1835, should be designated under Article 30 of the International Code as the type of *Hypselopus* Burmeister, 1835. In making this recommendation, Dr. Stiles made the following observations on the literature involved :—

According to Burmeister (1835, vol. 2, p. 329) *Hypselopus* n.g. contained at that date eight species from Africa, but he mentions only two, namely *H. gigas* n.sp. and *H. spinosus* Kl. Only these two species come into consideration in selecting the type.

Amyot & Serville (1843, p. 221) do not refer either to *H. gigas* or to *H. spinosus* under *Meloza* (monotype: *M. villosipes*).

Stål (1865, vol. 2, pp. 98–100) accepts *Hypselopus* (with *Meloza* as synonym) and (p. 99) quotes *H. gigas*. On p. 101 he quotes *H. spinosus* Sign. in Thoms., *Arch. Ent.*, 1858, as synonym of *Nariscus cinctiventris* Germ., but he does not seem to quote *H. spinosus* Kl.

Stål (1873, Part 3) definitely transfers *H. spinosus* Burm., 1835, to *Nariscus* and (p. 96) he retains *H. gigas* Burm. in *Hypselopus*.

Lethierry & Severin, 1894, follow the procedure of Stål, 1873.

Bergroth (1913, Part 2, p. 162) considers *Nariscus* a synonym of *Hypselopus* and cites " (*spinosus* Burm., Nubia)."

6. In his letter of 25th February 1935, covering the statement of the case quoted in paragraph 1 above, Dr. Blöte had observed : " The main question seems to me to be whether the description and diagnosis [of *Meloza*] by Amyot & Serville can be regarded as constituting a choice of a type species [for *Hypselopus* Burmeister]." On this question, which raises the interpretation to

be given to *Opinion* 6 of the Commission, Dr. Stiles made the following observations :—

In *Opinion* 6 the Commission laid down the following principle : “ When a later author divides the genus ‘ *A*,’ species ‘ *A—b—*,’ and ‘ *A—c—*,’ leaving genus ‘ *A*,’ only species ‘ *A—b—*,’ and genus ‘ *C*,’ monotypic, with species ‘ *C—c—*,’ the second author is to be construed as having fixed the type of genus ‘ *A*.’ ” (See Article 30).

The question arises whether *Opinion* 6 should be applied to Stâl’s action of 1873, thus establishing *H. gigas* as type by removing *H. spinosus* from the genus. It will be noticed that in *Opinion* 6 the second species, namely “ *A—c—*, ” was definitely made the monotypic genotype of the genus “ *C* ” and in the present instance the species *H. spinosus* was reclassified in another genus.

From a nomenclatorial point of view, therefore, the two cases are not identical.

*Opinion* 6 would naturally cover a much smaller number of cases (since it refers to definite type designation of a new genus) than would be covered by the enormous number of instances in which species have simply been reclassified in other genera.

7. Dr. Stiles’s proposal regarding the designation of *Hypselopus gigas* Burmeister as the type of *Hypselopus* Burmeister secured the general concurrence of the members of the Commission (see paragraph 13 below). On the question of the applicability of *Opinion* 6 to the present case, the following observations were received from Commissioners :—

(a) *Observations by Commissioner Leonhard Stejneger*

I agree with the conclusion that *Hypselopus gigas* be designated the type, but would leave out of the text of the *Opinion* any reference to *Opinion* 6.

From the statement submitted it is clear that the present case is entirely different from the one covered by *Opinion* 6. That *Opinion* must be construed very strictly as applying only to an exceptional case which was not covered explicitly in Article 30 of the Code. As such, *Opinion* 6 must not be extended.

The present case is apparently one of the many which await, and are solvable by, type designation, since no designation has previously been made as far as is known. The Commission is plainly competent to make such a designation in an *Opinion*, hence my affirmative vote.

(b) *Observations by Commissioner Francis Hemming*

I agree that the correct course in the present case is for the Commission to proceed in accordance with recommendation (k) in Article 30 of the *Règles Internationales* and therefore itself to designate *Hypselopus gigas* Burmeister, 1835, as the type of *Hypselopus* Burmeister, 1835.

2. On the more general question raised, it must be noted that the wording of *Opinion* 6 is very precise and covers only a very limited class of case. The position of this class of case was not clearly defined under Article 30 of the *Règles* and it was for this reason that a declaratory *Opinion* was given by the Commission. In order to fall within the scope of *Opinion* 6, it is necessary for a given case to present the following features :—

- (i) a genus “ *A*, ” containing two species (species “ *A—b—* ” and “ *A—c—* ”) must have been established without a type;

- (ii) at some time *prior* to the selection of either of these species as the type under rule (g) in Article 30 of the *Règles*, some author must have made one of the two originally-included species (say species "A—c—") the type of another genus "C" either :—
- (a) by monotypy (as in the example cited in *Opinion 6*); or
  - (b) by designating that species as the type of genus "C" ("type by original designation") under rule (a) of Article 30 of the *Règles*.

3. Prior to the issue of *Opinion 6*, it was not clear whether under Article 30 of the *Règles* any change in the status of genus "A" resulted from the designation of one of its two originally-included species as the type of genus "C." The two possible interpretations of Article 30 in this regard were the following :—

- (i) it was possible to argue that the selection of species "A—c—" as the type of the genus "C" had no effect whatever upon the status of genus "A," since that genus still contained two originally-included species (namely "A—b—" and "A—c—"), neither of which had been selected as the type of genus "A" under rule (g) of Article 30 of the *Règles*; added force was lent to this argument by the fact that the *Règles* expressly provide that the expression "select the type" is to be "rigidly construed";
- (ii) it was possible on the other hand to argue that, when the later author selected as the type of genus "C" one of the two species (species "A—c—") originally included in genus "A," he could properly be deemed at the same time to have designated as the type of genus "A" the only remaining species (species "A—b—") originally placed in that genus.

4. Confronted with this problem, the Commission decided in favour of the second of the two possible alternatives and accordingly rendered *Opinion 6* which interpreted Article 30 of the *Règles* in this sense.

5. It will be seen therefore that *Opinion 6* has no relevance whatever in considering a case (such as *Hypselopus* Burmeister, 1835) where a genus was published with two species, of which neither was specified as the type, where no later author selected either of these species as the type of some other genus and where all that happened was that a later author reclassified one of the two originally-included species in some other genus.

8. At the same time Commissioner Hemming added the following explanatory note on the status of the name *Hypselopus spinosus* at the time of its first publication by Burmeister in 1835 :—

In presenting the case of *Hypselopus* Burmeister, 1835, to the Commission, Dr. Blöte stated it contained two originally-included species, of which he cited the second as "*H. spinosus* 'Kl.' (in manusk.)." By anyone who had not had an opportunity of studying the original work of Burmeister's, this might be taken as implying that Burmeister mentioned for this genus two species by name, that for the first (*H. gigas*), a new species of his own, he gave a description, but that the second (*H. spinosus*) was only a manuscript name of the author "Kl.," for which Burmeister gave no description. If this had been the case, no problem would have arisen in the case of *Hypselopus* Burmeister, since *H. gigas* Burmeister would have been the only species included in the genus under a name which complied with Article 25 of the *Règles* and the species *H. gigas* Burmeister would have been the type of *Hypselopus* Burmeister by monotypy.

The above is not however the position. What Burmeister really did—and this is no doubt what Dr. Blöte intended to convey—was to specify for this genus two species, *H. gigas* and *H. spinosus*, for each of which he published a description. The first of these species, *H. gigas*, Burmeister indicated as a new species of his own; after the name of the second species, he added the abbreviation “Kl.”, which, no doubt, stands for Klug, thereby indicating that the name *spinosus* had first been proposed in manuscript not by himself but by Klug.

9. Before there had been time for any votes to be received on the proposal laid before the Commission by Dr. Stiles (paragraph 5 above), a letter (dated 24th June 1936) was received from Dr. Blöte drawing attention to the fact that in 1835, the year in which Burmeister had published the name *Hypselopus* for his genus belonging to the Order Hemiptera of the Class Insecta, Wiegmann had published the same name for a genus belonging to the Class Reptilia. It was possible, therefore, that the name *Hypselopus* Burmeister was an invalid homonym. The principle involved in the present case would not be affected, if this proved to be so, but clearly it was a matter which must, if possible, be cleared up before any *Opinion* was rendered, since as long as any doubt remained on this subject there could be no question of placing the name *Hypselopus* Burmeister on the *Official List of Generic Names in Zoology*.

10. It was not until July 1939 that the evidence required to resolve this doubt became available. This evidence is set out in the following note prepared by Commissioner Hemming:—

ON THE RELATIVE PRIORITY TO BE ASSIGNED TO *HYPSELOPUS* BURMEISTER, 1835 (CLASS INSECTA) AND *HYPSELOPUS* WIEGMANN, 1835 (CLASS REPTILIA)

The name *Hypselopus* was proposed by Wiegmann in 1835 (*Arch. Naturges.* 1 (2) : 289) for a genus belonging to the Class Reptilia. On page 219 of this volume there is the following note to a paper by an author named Wagner: “Erlangen, im November 1835.” As Wagner’s paper was printed before that by Wiegmann, the name *Hypselopus* Wiegmann cannot have been published before November 1835 and, if actually published in that year at all, was most probably published on some date in December.

The name *Hypselopus* Burmeister (Class Insecta) was published in vol. 2 of that author’s *Handbuch der Entomologie*. This volume is divided into two sections, which are however continuously paged. The first portion consists of 25 signatures (pp. 1–396). The name *Hypselopus* was published on the foot of page 328, the description being continued on page 329. These pages form part of signature 21. On the title page the note “versetzt 1834 und 1835” is printed in relation to the first portion of this volume, i.e. to the portion relating to the “Ordnung Rhynchota.” This is not very helpful, since the individual signatures are undated. The most that can be drawn from this evidence is the conclusion that, as *Hypselopus* was published in the 21st of 25 signatures, it was published sometime in 1835. On the whole, it is more likely that it was published in the earlier

part of the year rather than the later but the indications in favour of this conclusion are certainly not sufficient to warrant the conclusion that the name *Hypselopus* Burmeister was published before *Hypselopus* Wiegmann. Quite recently, definite evidence regarding the date of publication of the first portion of vol. 2 of Burmeister's *Handbuch* has been discovered by Mr. F. J. Griffin, Archivist to the Commission, who has found a reference in the *Proceedings of the Entomological Society of London (Proc. ent. Soc. Lond. 1835 : liii)* which shows that volume 2, part 1, pp. 1-396, of Burmeister's *Handbuch* was received by the Society's library on some date prior to 4th May 1835.

The above evidence shows that *Hypselopus* Burmeister was published in 1835 before May and that *Hypselopus* Wiegmann was published not earlier than November of the same year. *Hypselopus* Burmeister is therefore available nomenclatorially, while *Hypselopus* Wiegmann is an invalid homonym.

11. The discovery in July 1939 of the evidence set out in the preceding paragraph made it possible to review the position as regards this case and this review disclosed that a majority of the Commissioners had already signified their concurrence in the adoption of an *Opinion* in the sense proposed. Accordingly, on 6th July 1939 the Secretary to the Commission, acting in virtue of the powers conferred upon him in that behalf by Article 7 of the By-Laws, closed the ballot in this case.

### III.—THE CONCLUSION REACHED BY THE INTERNATIONAL COMMISSION.

12. The decision taken by the Commission in the present case is :—

- (a) that *Hypselopus gigas* Burmeister, 1835, *Handb. Ent.* 2 (1) : 329 is hereby designated as the type of *Hypselopus* Burmeister, 1835, *Handb. Ent.* 2 (1) : 328 (Class Insecta, Order Hemiptera);
- (b) that the generic name *Hypselopus* Burmeister, 1835, defined as in (a) above, is hereby added to the *Official List of Generic Names in Zoology* as Name No. 620.

13. The following twelve (12) Commissioners voted in favour of the present *Opinion* :—

Cabrera; Calman; Chapman; Esaki; Fantham; Hemming; Jordan; Richter; Silvestri; Stejneger; Stiles; and Stone.

14. No Commissioner voted against the present *Opinion*.

15. The following four (4) Commissioners did not vote on the present *Opinion* :—

Apstein; Bolivar y Pieltain; Pellegrin; and Peters.



16. In addition, Commissioners do Amaral and von Hankó, who were elected members of the Commission near the close of the voting on this case, did not take part in its consideration.

#### IV.—AUTHORITY FOR THE ISSUE OF THE PRESENT *OPINION*.

WHEREAS the By-Laws of the International Commission on Zoological Nomenclature provide that, except in cases involving the suspension of the rules, an *Opinion* is to be deemed to have been adopted by the said International Commission as soon as a majority of the Members of the Commission, that is to say ten (10) Members of the said Commission, have recorded their votes in favour thereof, provided that, where any proposed *Opinion* involves a reversal of any former *Opinion* rendered by the Commission, such proposed *Opinion* shall obtain the concurrence of at least fourteen (14) Members of the Commission voting on the same before such *Opinion* is to be deemed to have been adopted by the Commission; and

WHEREAS the present *Opinion*, as set out in the summary thereof, neither requires, in order to be valid, the suspension of the rules, nor involves a reversal of any former *Opinion* rendered by the Commission; and

WHEREAS twelve (12) Members of the Commission have signified their concurrence in the present *Opinion*;

NOW, THEREFORE,

I, FRANCIS HEMMING, Secretary to the International Commission on Zoological Nomenclature, acting in virtue of all and every the powers conferred upon me in that behalf by reason of holding the said Office of Secretary to the International Commission, hereby announce the said *Opinion* on behalf of the International Commission, acting for the International Congress of Zoology, and direct that it be rendered and printed as *Opinion* Number One Hundred and Eighty Seven (*Opinion* 187) of the said Commission.

In faith whereof I, the undersigned FRANCIS HEMMING, Secretary to the International Commission on Zoological Nomenclature, have signed the present *Opinion*.

DONE in London, this first day of September, Nineteen Hundred and Forty Four, in a single copy, which shall remain deposited in the archives of the International Commission on Zoological Nomenclature.

*Secretary to the International Commission  
on Zoological Nomenclature.*

FRANCIS HEMMING

## THE PUBLICATIONS OF THE COMMISSION.

(obtainable at the Publications Office of the Commission at 41, Queen's Gate, London, S.W.7.)

### Bulletin of Zoological Nomenclature.

This journal has been established by the International Commission as their Official Organ in order to provide a medium for the publication of:—

- (a) proposals on zoological nomenclature submitted to the International Commission for deliberation and decision;
- (b) comments received from, and correspondence by the Secretary with, zoologists on proposals published in the *Bulletin* under (a) above; and
- (c) papers on nomenclatorial implications of developments in taxonomic theory and practice.

The *Bulletin* was established in 1943. Part 5 has now been published. Parts 6 and 7 are in the press.

### Opinions and Declarations Rendered by the International Commission on Zoological Nomenclature.

The above work is being published in three volumes concurrently, namely:—

*Volume 1.* This volume will contain *Declarations* 1-9 (which have never previously been published) and *Opinions* 1-133 (the original issue of which is now out of print). Parts 1-20 (containing *Declarations* 1-9 and *Opinions* 1-11) have now been published. Further Parts will be published shortly.

*Volume 2.* This volume will be issued in 52 Parts, comprising all the decisions taken by the International Commission at their meeting at Lisbon in 1935, namely *Declarations* 10-12 (with Roman pagination) and *Opinions* 134-181 (with Arabic pagination). Part 52 will contain the index and title page of the volume. Parts 1-35, containing *Declarations* 10-12 and *Opinions* 134-165, have now been published. Further Parts will be published shortly.

*Volume 3.* This volume, which commenced with *Opinion* 182, will contain the *Opinions* adopted by the International Commission since their meeting at Lisbon in 1935. Parts 1-8 (containing *Opinions* 182-189) have now been published. Further Parts will be published as soon as possible.

## APPEAL FOR FUNDS

The International Commission appeal earnestly to all institutions and individuals interested in the development of zoological nomenclature to contribute, according to their means, to the Commission's Special (Publications) Fund. Of the total sum of £1,800 required to enable the Commission to issue all the publications now awaiting printing, donations amounting to £969 16s. 1d. were received up to 30th June 1945. Additional contributions are urgently needed in order to enable the Commission to continue their work without interruption. Contributions of any amount, however small, will be most gratefully received.

Contributions should be sent to the International Commission at their Publications Office, 41, Queen's Gate, London, S.W. 7, and made payable to the "International Commission on Zoological Nomenclature or Order" and crossed "Account payee. Coutts & Co."